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UZBEKISTAN: More legal personality restrictions imposed

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

Uzbekistan has added two new restrictions for religious communities seeking legal status. Many communities are afraid to seek legal status, and if they seek it have been punished. "Give us freedom of religion and belief, [and] we will ask for registration" a Protestant told Forum 18.

Uzbekistan has added two new restrictive requirements for seeking legal status, even though this is against the country's binding international human rights obligations. Religious communities seeking registration must also now provide:

- a notarised copy of Uzbekistan's official recognition of any official foreign or Uzbek religious education that has been completed by the head of a religious community;
- and a notarised copy of Uzbekistan's official recognition of any official foreign or Uzbek religious education that has been completed by the head of a religious educational institution run by the community.

There is no indication of what type of religious education, whether formal or informal, is covered by this second new registration requirement, and as there is no formal official centre to recognise foreign religious education fulfilling this new restriction is at present impossible. Officials have refused to explain why the government instead of abolishing restrictions has increased them (see below).

Many religious communities are afraid to seek legal status, even if they are not in principle opposed to seeking state registration. "Give us freedom of religion and belief, [and] we will ask for registration" a Protestant who did not wish to be named for fear of state reprisals told Forum 18 (see below).

Punishments for exercising freedom of religion and belief continue, including for seeking state registration. Forum 18 is aware of incidents including:

- continued total control of the Muslim community, with officials unable or unwilling to explain why, for example, the state and not mosque worshippers choose imams;
- Jehovah's Witnesses being fined for applying for registration in Samarkand;
- a Jehovah's Witness in Urgench being tortured after his community tried to get state registration;
- Jehovah's Witnesses in Bukhara being fined for providing documents for registration;
- and officials in Urgench claiming to be unaware of Baptists trying to regain the registration of their church which was cancelled in 2004 (see below).

Two new registration restrictions

Government Decree 409, signed by Prime Minister Abdulla Aripov on 31 May, on the rules for registration, termination and re-registration of religious organisations adds two new restrictive requirements for seeking legal status.

The Religion Law already bans all exercise of freedom of religion and belief without state permission, and imposes a complex registration procedure, including multiple written permissions from various state authorities. Communities smaller than 100 people can never gain legal status, as there is also a requirement for 100 adult Uzbek citizens willing both to be identified as founders and to supply their personal details to the authorities. Many people do not wish to do this for fear of state reprisals. The authorities also take full advantage of the system's complexity to arbitrarily block many registration applications (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

The 31 May Decree adds a further layer of complexity and more opportunities for the authorities to block registration applications, as religious communities seeking registration must also now provide:

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- and a notarised copy of Uzbekistan's official recognition of any official foreign or Uzbek religious education that has been completed by the head of a religious educational institution run by the community.

There is no indication of what type of religious education, whether formal or informal, is covered by this second new registration requirement. The Religion Law also is imprecise about what the term religious education covers. At present, there is no formal official centre to recognise foreign religious education, so fulfilling this new restriction is at present impossible. It is unknown when the government will establish such a centre, and it is also unknown how long such recognition will take.

International human rights law allows anyone to meet to exercise freedom of religion and belief without state permission, as well as to offer religious education if they wish. If communities wish to seek registration "access to legal personality for religious or belief communities should", under international law, "be quick, transparent, fair, inclusive and non-discriminatory" (see the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see <http://www.osce.org/odihr/139046>). Uzbekistan is an OSCE participating State.

Why more restrictions?

Jasur Akramov, the Chair from April of the Religious Affairs Committee, has evaded answering Forum 18's questions about why the state demands people must ask for permission to exercise their freedom of religion and belief, and why the government instead of abolishing restrictions has increased them. Officials who would not give their names who answered Akramov's phone between 16 and 17 July refused to put Forum 18 through to Akramov or other officials, claiming they are all in meetings. Asked why officials are all day never available, an official claimed that "we are a very busy organisation".

The Religious Affairs Committee's main role is to stop people exercising their freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Farkhod Khaitov, the regional Justice Department's official responsible for registering religious organisations the south-western Samarkand [Samarqand] Region, told Forum 18 on 16 July that the changes mean that organisations will pay a lower registration fee. However, he did not know when the government would establish the promised new centre to recognise foreign religious educational qualifications, or how long such recognition would take.

Khaitov would not explain why the state demands people must ask for permission to exercise their freedom of religion and belief, claiming that "we are not competent to answer this". He also refused to explain why the authorities punish those who ask for registration, claiming that "I cannot comment on the actions of executive authorities or mahalla committees as we are not under the same jurisdiction".

Khaitov stated that the regional Justice Department's role was to "verify the documents and within one month give a positive or negative response", although he did not explain why replies often take longer. He also stated that one reason for refusals was unexplained "discrepancies in the documents" (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

"Give us freedom of religion and belief, [and] we will ask for registration"

Many religious communities are afraid to seek legal status, even if they are not in principle opposed to seeking state registration. Speaking to a variety of religious communities from a number of faiths, a typical comment came on 16 July from a Protestant who did not wish to be named for fear of state reprisals: "Though the authorities slowed down attacks against religious communities since [President Islam] Karimov's time, we will not ask for registration".

Some other religious communities do not think that there have been positive changes. One community told Forum 18 on 16 July that "there have been no changes or positive developments in our treatment by the authorities. They keep refusing registration and punishing people for exercising their freedom of religion and belief." Problems still experienced include "discrimination, humiliation, insults, violence, raids, detentions, fines, and imprisonments", even if communities are registered.

The Protestant explained that, even though they think there has been some change, "registration means state interference in our activity and possible punishments" (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Even religious communities which have state registration, and which claim not to face major problems, did not wish to be named for

fear of state reprisals. Within the complex registration process, some identified mahalla [local district] committees – a key instrument of local state control of society – with the large number of documents they demand as one major registration obstacle. A common problem was refusal to register local communities' addresses, which blocks obtaining the many certificates necessary from other state authorities (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Mahalla committees are also used to impose state control on all Islamic religious communities, which unlike other religious communities is totally controlled by the government (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Samarkand's Gulistan mahalla committee Chair Abdurakhmon Kodyrov told Forum 18 on 13 July that the local mosque "was permitted by the local administration", and the imam was appointed by the state-controlled Spiritual Administration of Muslims in Tashkent. Asked why the state and not mosque worshippers choose the imam, mahalla Chair Kadyrov replied: "Imams must be educated in institutes chosen by the Spiritual Administration of Muslims, and must be appointed by them". Asked why this was so, he could not answer.

The Protestant added that "we will wait and see. If the authorities give us freedom of religion and belief, we will ask for registration."

Ongoing punishments for exercising freedom of religion and belief

Punishments for exercising freedom of religion and belief continue. For example, on 24 May a court in the southern city of Karshi [Qarshi] punished four members of a Baptist congregation for meeting for worship without state permission. One Baptist was jailed for five days after pointing out that he and his fellow Baptists did not break the Constitution or international human rights law, and the other three were fined several days' average wages. The Judge illegally did not specify exactly what part of the law the Baptists had broken, and told one Baptist: "Do your prayers at home. It is against the law of our state to meet for worship without state registration" (see F18News 21 June 2018 http://www.forum18.org/archive.php?article_id=2388).

Jehovah's Witnesses who wished to remain anonymous for fear of state reprisals told Forum 18 on 16 July that since January there have been about 16 raids and detentions for questioning in police stations. The latest case is in Parkent District in Tashkent Region against a married couple, Yevgeni Kupayev and Natalya Kupayeva, who face criminal charges explicitly referring to their community's lack of state registration (see F18News 20 July 2018 http://www.forum18.org/archive.php?article_id=2397).

The Kupayevs face charges under Criminal Code Article 216-1 ("Inducement to participate in the activity of illegal public associations, religious organisations, movements, or sects"). This carries penalties of between a fine of 25 times the monthly minimum wage and three years' imprisonment (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

The Kupayevs were among a group of nine Jehovah's Witnesses who were in January fined 10 times the minimum monthly wage each for distributing religious literature on a street (see F18News 6 April 2018 http://www.forum18.org/archive.php?article_id=2367).

Fined for applying for registration

In the south-western city of Samarkand [Samarqand], Jamshed Umarov and other Jehovah's Witnesses on 3 April asked Gulistan mahalla committee about applying for registration. Mahalla committee Chair Kodyrov called the police, who confiscated Umarov's mobile phone and a tablet device, Jehovah's Witnesses told Forum 18.

Kodyrov claimed to Forum 18 on 13 July that "we did not call the police but they just visited us". Asked what the purpose of the visit was, he claimed that "they happened to be in the mahalla and decided to visit us". Asked why he did not ask the police to allow the registration process to continue, he claimed that "I cannot tell them anything. They have their own orders". Kodyrov did not answer when asked why the authorities punished Jehovah's Witnesses for asking for registration.

Police found Jehovah's Witnesses publications on the devices they had confiscated, and brought a case to Samarkand Administrative Court. Judge Zafar Karimov of the Samarkand Court on 25 April fined Umarov 344,480 Soms, or twice the minimum monthly wage, under Administrative Code Article 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons").

Judge Karimov told Forum 18 on 12 July that he fined Umarov as "religious materials were found on his phone and tablet". Asked how religious communities could be expected to apply for registration if this was what happened, Judge Karimov replied "I do not know the exact procedures for the registration process".

Asked why the authorities demand state registration for all exercise of freedom of religion and belief, and then punish those who try to register, Judge Karimov replied that "if Umarov is not happy he can appeal against my decision".

Tortured for applying for registration

After the Jehovah's Witness community in Urgench [Urganch] in the north-western Khorezm Region tried to get state registration, police in October 2017 tortured Anvar Tajiyev and made death threats against him. Jehovah's Witnesses think this was a reprisal for the registration attempts. Hospitals were afraid to treat Tajiyev, who lost hearing in one ear and still suffers headaches. Many complaints to the President, national and local Prosecutor's Offices have led to no arrests or prosecutions despite this being a requirement of Uzbekistan's international human rights obligations require (see F18News 1 May 2018 http://www.forum18.org/archive.php?article_id=2374).

Fined for providing documents for registration

When Jehovah's Witnesses in Bukhara [Bukhoro] in south-western Uzbekistan prepared and presented documents for a registration application, on 13 April police at the request of Khakim Sulaymanov, Chair of the Alisher Navoi mahalla committee, confiscated the documents.

"Police used an excuse that such document packages can only be handed to government officials", Jehovah's Witnesses stated. On 11 June Judge Jamol Sharipov of Bukhara Regional Administrative Court fined Fazliddin Tukhtaev 5,167,200 Soms, or 30 times the minimum monthly wage, under Administrative Code Article 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons").

Judge Sharipov on 12 April claimed that Jehovah's Witnesses "did not do registration in the right order. The right way is for their organisation in Chirchik to ask Bukhara Administration to register their branch in Bukhara". Asked why he did not explain this to the Jehovah's Witnesses he claimed that "by presenting their religious materials to the mahalla committee they violated the Religion Law. This is defined as illegal distribution of religious materials."

Asked where whether the Bukhara authorities will register Jehovah's Witnesses if their Chirchik community requests registration, Judge Sharipov replied that "I do not know. I cannot speak for them".

Officials have allowed only one Jehovah's Witness community in the whole country – in the town of Chirchik in Tashkent Region – to have the state registration which officials insist is required before people can exercise their right to freedom of religion or belief. Officials in Fergana [Farghona] in 2006 cancelled the registration of the other Jehovah's Witness community which existed (see F18News 5 September 2006 http://www.forum18.org/Archive.php?article_id=837).

Jonibek Tilavov, Bukhara Regional Justice Department's official responsible for registration of religious organisations, refused to tell Forum 18 on 16 July why Tukhtayev was fined for asking for registration, and why registration to exercise freedom of religion and belief is compulsory. He then put the phone down.

How to regain registration?

The officially registered Baptist Union of Uzbekistan is trying to regain registration for its affiliate church in Urgench, whose registration from 1999 was cancelled in 2004 (see F18News 7 July 2004 http://www.forum18.org/archive.php?article_id=356). "We continued meeting for worship privately under constant fear of possible punishments, but we now want to re-open the Church for public worship", Baptists who asked not to be named for fear of state reprisals told Forum 18 on 13 July.

Baptists from the Baptist Union in Tashkent in mid-July visited the regional Justice Department, "but were not given a 'Yes' or 'No' answer".

Aybek Masharipov, head of Khorezm Regional Justice Department, on 14 June claimed to Forum 18 that "I am not aware of the Baptists' registration issue". When Forum 18 pointed out that Baptists had recently visited his Department he put the phone down. The official who answered his phone when called back, who would not give his name, claimed that Masharipov is busy and that he "cannot say anything on this issue."

Called once again on 16 July, Masharipov denied to Forum 18 he knew of the Baptists' visit and claimed that "I was not told that the Baptists visited the Department". He then refused to talk more. (END)

For more background, see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=2314.

Full reports on freedom of thought, conscience and belief in Uzbekistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=33>.

For a personal commentary by a Muslim scholar, advocating freedom of religion and belief for all as the best antidote to Islamic

religious extremism in Uzbekistan, see http://www.forum18.org/Archive.php?article_id=338.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments is at http://www.forum18.org/Archive.php?article_id=1351.

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY